

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AUNHK RA AUNHKHOTEK,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-cv-01551-HEA
)	
CAPTAIN BATRICE THOMAS, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on review of the file after the United States Marshals Service returned an unexecuted proof of service on defendant Bruce Borders. For the following reasons, the Court will order plaintiff to provide it with adequate information such that Borders may be served under Federal Rule 4(m).

Plaintiff filed this action in this Court on November 18, 2024. On January 29, 2025, the Court directed the Clerk to serve process on the complaint. The Clerk attempted to serve process upon Borders pursuant to the Memorandum of Understanding the Court maintains with the St. Louis City Counselor's office. However, counsel for St. Louis City declined to waive service as to Borders because he was no longer employed there. Counsel subsequently provided the Court with Borders's last known address, and the Court directed the Clerk to effectuate service of process there. On April 15, 2025, the United States Marshals Service returned an unexecuted proof of service for Borders. The Marshals Service stated that Borders did not live at the address provided by the City Counselor's office.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

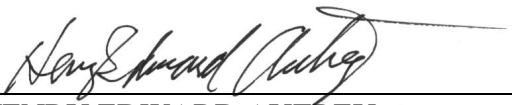
It has been more than 90 days since plaintiff filed his complaint naming Borders as a defendant, and the Court has attempted service without success. As noted above, Rule 4(m) of the Federal Rules of Civil Procedure provides that the Court, after notice to a plaintiff, shall dismiss an action against any defendant upon whom service has not been timely made. In light of plaintiff's status as a *pro se* and *in forma pauperis* litigant, he will be given the opportunity to provide the Court with adequate information such that Borders may be timely served under Rule 4(m). Plaintiff's response to the Court is due no later than 21 days from the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that, no later than 21 days from the date of this Order, plaintiff shall provide the Court with adequate information such that defendant Bruce Borders may be served with process.

IT IS FURTHER ORDERED that, in the absence of good cause shown, plaintiff's failure to timely respond to this Order shall result in the dismissal of defendant Bruce Borders from this cause of action, without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Dated this 23rd day of April, 2025.


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE